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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/066,264

01/31/2002

Steven Teig

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10/29/2004

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EXAMINER

DIMYAN, MAGID Y


ART UNIT

PAPER NUMBER

2825

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,264	Applicant(s) TEIG ET AL.	
	Examiner Magid Y Dimyan	Art Unit 2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 and 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/26, 3/16, 6/28, 7/1 ALL IN 2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement

1. This in response to the Amendments and to the Remarks filed 26 January 2004, in response to the Office Action. It is acknowledged that the Applicants have amended claims 1 and 6, cancelled claim 12 and added new claims 16 – 26. Thus, claims 1 – 11 and 13 – 26 remain pending in this application.

Response to Arguments

2. Applicants' arguments filed 26 January 2004 with respect to the rejections of claims 1 - 15 under 35 U.S.C 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of objections, and rejections, have been found as cited below.

Claim Objections

3. Claims 1, 2, 3, 4, 6, 11, 13, 14, 16, 17, 18 and 19 are objected to because of the following informalities:

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- In claims 1 and 16, line 8 insert --and-- after “,”.
- In claims 1 and 13, it is not clear to the Examiner what “encoded sub-networks” mean. A more detailed description is requested.
- In claims 1, 2, 3, 4, 6, 11, 13, 14, 16, 17, 18 and 19 reference is made to “local function” and “local functions”. Again, the Examiner fails to understand the meaning of these terms. More information to the language of the claims is requested.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7 – 10 and 22 - 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recite the element of “particular threshold complexity” in defining graphs. There is insufficient antecedent basis for this limitation in these claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 - 6, 11, 13 – 21 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,333,918 to Hummel.

8. Referring to claim 1, Hummel teaches a method of specifying encoded subnetworks (see Abstract) comprising: (a) defining a plurality of graphs, wherein each graph has a set of nodes (see col. 10, lines 1 – 20); (b) specifying different sets of local functions for each graph, wherein each set of local functions for each particular graph includes one local function for each node of a graph, and the combination of each graph with one of the set of local functions specified for the graph specifies a subnetwork (see Abstract; col. 5, line 30 to col. 10, line 30); (c) storing the graph and the local function (see col. 11, lines 14 – 15); and (d) for each specified subnetwork, storing an identifier (i.e., pointer) that specifies the

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set of local functions and the graph that specifies the subnetwork (see col. 9, lines 26 to col. 11, line 15). Thus, Hummel cites all the claimed elements.

9. As per claims 2 and 3, see (8) above, as well as Figs. 10 – 13, which disclose the claimed limitations of the pointer for each subnetwork and the particular graph that specifies the subnetwork.

10. As to claim 4, see Fig. 7 and col. 15, lines 24 – 30, which cite the set of indices used in the disclosure, as claimed.

11. Referring to claim 5, see col. 15, lines 5 – 30, which disclose the storage structure (i.e., database) used to store the functions, tables and graphs of the invention, as claimed.

12. As per claim 6, see col. 8, line 20 to col. 9, line 5, which cite the claimed element of the function tables.

13. As per claim 11, see (9) above, as well as col. 11, line 14 – col. 15, line 30 and col. 18, lines 15 – 30 which teach the additional elements of: (a) identifying a set of output functions; (b) generating a parameter for each subnetwork; (c) storing generated parameters; and (d) associating stored parameters with the identifier for the subnetwork.

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14. Referring to claim 13, Hummel cites a method of encoding subnetworks comprising: (a) specifying a graph with nodes (col. 6, lines 55 – 65); (b) storing the graph (col. 15, lines 15 – 30); (c) storing first and second sets of functions wherein each set includes a local function for each node of the graph, wherein the combination of the graph and first set of local functions specifies a first subnetwork, and the combination of the graph and the second set of local functions specifies a second subnetwork (col. 5, line 30 to col. 6, line 65); and (d) for the first subnetwork, storing a first pointer (identifier) and for the second subnetwork, storing a second pointer (identifier) (col. 9, line 26 to col. 10, line 50).

15. As per claims 14 and 15, see Abstract; and col. 5, line 30 to col. 6, line 65, which teach the claimed limitations pertaining to the definition of an element of the subnetwork using each graph node and corresponding local function, as well as the topological representation of these elements.

16. Claims 16, 17, 18, 19, 20, 21 and 26 contain the same limitations as claims 1, 2, 3, 4, 5, 6 and 11, respectively, and thus the same rejections apply.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magid Y Dimyan whose telephone number is

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(571) 272-1889. The examiner can normally be reached on Monday - Friday
8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Matthew S Smith can be reached on (571) 272-1907.
The fax phone number for the organization where this application or proceeding
is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
for published applications may be obtained from either Private PAIR or Public
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-
free).

Magid Y Dimyan
Examiner
Art Unit 2825

myd
25 October 2004

MYD

Alfredo THUAN-DO
Primary examiner
10/26/2004

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